

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Kevin Powers, Individually and on Behalf	)	
of All Others Similarly Situated,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Rossco Crane & Rigging, Inc., Ross	)	
Kovach and Jere Kovach,	)	Case No. 1:20-cv-101
	)	
Defendants.	)	

---

On August 12, 2020, Plaintiff filed a “Motion for Extension of Time for Service of Process and Related Discovery, or for Alternative Service.” (Doc. No. 8). Plaintiff advises that, despite his best efforts, he has been unable to effectuate service on Defendant Jere Kovach. According to plaintiff, counsel conducted a TLOxp search of J. Kovach to locate him for service. The TLOxp reports listed J. Kovach’s last known address as a residence in Minot, North Dakota. The report also listed three Wyoming post office boxes associated with J. Kovach. Plaintiff requests an additional 90 days to effectuate service and, if needed, to conduct preliminary discovery regarding Defendant Jere Kovach. Alternatively, plaintiff requests permission to serve Defendant Jere Kovach by USPS First Class mail to his last known addresses. Finally, he requests attorney’s fees and costs.

On August 17, 2020, Defendants Rossco Crane & Rigging and Ross Kovach filed a response to plaintiffs’ motion. (Doc. No. 16). They do not oppose plaintiff’s request for additional time to effectuate service. However, they object to his request for attorney’s fees and costs.

The court finds that plaintiff has demonstrated good cause to extend time for service of process on Jere Kovach and to conduct related discovery. However, the court is not inclined to

authorize service by first class mail at this time. Accordingly, the court **GRANTS IN PART** plaintiff's motion (Doc. No. 8). Plaintiff shall have additional 90 days to effectuate service and, if needed, to conduct preliminary discovery regarding Defendant Jere Kovach. Plaintiff's requests for attorney's fees and costs is **DENIED**.

**IT IS SO ORDERED.**

Dated this 15th day of September, 2020.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court